

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RICHARD MCKINNEY §
§
V. § CASE NO. 4:10-CV-00558
§ (Judge Clark/Judge Mazzant)
TEXAS DEPARTMENT OF §
PUBLIC SAFETY, ET AL. §

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On November 15, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant N. Holton's Motion for Summary Judgment [doc. #58] be granted.

On December 1, 2011, Plaintiff filed a Notice of Appeal [dkt. #66]. On March 8, 2012, the Fifth Circuit issued its judgment dismissing the appeal for lack of jurisdiction [dkt. #68]. Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant N. Holton's Motion for Summary Judgment [doc. #58] is GRANTED, and Plaintiff's claims against Deputy Holton are dismissed with prejudice.

It is further **ORDERED** that Defendant City of McKinney Police Department is

DISMISSED, as the record reflects that this Defendant has never been served. The Clerk is directed to **CLOSE** this civil action. All motions by either party not previously ruled on are hereby **DENIED**. This is a final judgment disposing of all claims and parties.

So **ORDERED** and **SIGNED** this **30** day of **March, 2012**.



Ron Clark, United States District Judge